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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,800	02/20/2004	Hiroyuki Ochiai	249110US3	5173
22850	7590	02/09/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER RODRIGUEZ, RUTH C	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 02/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,800

Applicant(s)

OCHIAI ET AL.

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (US 3,861,812).

A cover (4) comprises a cover body (4), a grommet (10) and a projection (11). The cover body is hard and is formed as a plate shape (4a) (Figs. 8 and 10). The body comprises opposite surfaces and a socket (19a) protruding partially from one of the opposite surfaces. The socket has an inner peripheral surface (Figs. 8-10). The grommet is held in the socket (Figs. 8-10). The grommet is deformable elastically and comprises a fitting hole and an outer peripheral surface (Figs. 8-10). The fitting hole has an inner peripheral surface (Figs. 8-10). The projection projects from an installation member (3) to which the cover is installed. The projection comprises a head (11a), a neck (11a') having a diameter smaller than that of the head and an outer peripheral surface (Figs. 8-10). The projection is fitted into the fitting hole of the grommet whereby holding the cover body detachably to the installation member (Figs. 8-10). The grommet further comprises a plurality of convexities (15a and the members at each side of 14a)

disposed on at least one of the outer peripheral surface and the inner peripheral surface of the fitting hole protruding towards tips thereof in radial directions and contacting with at least one of the inner peripheral surface of the socket and the outer peripheral surface of the projection (Figs. 8 and 10). The convexities are formed as a substantially triangular cross-sectional shaped whose thickness reduces from large to small from the bases to the tips thereof (if the bottom is taken as the location where the cover body is and the top is taken as the location where the installation member is).

The grommet is held detachably in the socket and the convexities (15a) are disposed on the outer peripheral surface of the grommet.

The grommet is held in the socket in such a manner that the convexities contact with the inner peripheral surface of the socket elastically (Figs. 8 and 10).

The fitting hole is formed as a tapered shaped whose inner peripheral surface has a diameter enlarging from small to large in the direction approaching the installation member (Figs. 8 and 10).

The projection has a superficial configuration comprising the head (Figs. 8 and 10). The neck continues from the head smoothly and the bottom (opposite side of the plate 4) has a larger diameter than that of the neck. The inner peripheral surface of the fitting hole of the grommet agrees with the superficial configuration of the projection and contacts with the projection entirely (Figs. 8 and 10).

The projection penetrates through the fitting hole (Figs. 8 and 10). The projection comprises an outer peripheral surface whose diameter reduces from large to small in the

direction away from the head to the neck at least and which contacts with the inner peripheral surfaces of the fitting hole (Figs. 8 and 10).

The grommet further comprises a regulator (14a) disposed at a portion facing the head of the projection and extending radially inward to close the fitting hole. The regulator is provided with an air vent hole communicating the fitting hole with the outside (Figs. 8-10).

Response to Arguments

3. Applicant's arguments filed 18 November 2005 have been fully considered but they are not persuasive.

4. The Applicant argues that Ito fails to disclose, "the convexities are formed as a substantially triangular cross-sectional shape whose thickness reduces from large to small from the bases disposed on the fitting hole to the tips thereof". This argument fails to persuade. The term "substantially" is a very broad term that encompasses other shapes similar to a triangular cross-sectional shape as long as they reduce from large to small from the bases to the tips as disclosed by Ito. *In re Nehrenberg* (CCPA) 126 USPQ 383. The Examiner fails to be persuaded by the Applicant's argument that the convexities are not reduced in thickness since Figures 8 and 10 of Ito clearly show that the convexities have a reduce thickness when viewed in the lateral direction as shown in this figures since the convexities having are thicker closer to the base and are thinner at their tips. Additionally the Applicant disclosure fails to provide any criticality to the

triangular cross-sectional shape in comparison to other shapes such as the one being disclosed by Ito.

5. The next argument presented by the Applicant is that Ito fails to disclose that the grommet is made of elastically deformable material. The Examiner fails to be persuaded by this argument. The Examiner will like to point out to Figure 10 where the grommet is being connected to the cover body where it is clearly shown that the convexities are elastically deforming in order to be inserted into the cover body. Additionally, Ito discloses that the grommet can be made of any plastic material. Ito discloses that polyacetal is being used in the preferred embodiment of the grommet but this does not preclude the use of other plastics for making the grommet since the selection of a known material based on its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collier (US 1,261,770), Ito (US 3,861,812), Biesecker (US 3,164,054), Nelson (US 4,522,378), Dembowsky et al. (US 6,206,604 B1) and Contero et al. (US 2005/0175398 A1) are cited to show state of the art with respect to a grommet having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
February 6, 2006


ROBERT J. SANDY
PRIMARY EXAMINER